



Resolution

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June 2019
FOI_3797

The following information was requested on 1 June 2019:

I am writing to NHSR, based on the freedom of information act, in respect of the Royal Marsden NHS Foundation Trust. I would be grateful if you could provide the following information, please:

How many clinical negligence claims have NHSR handled on behalf of the above specialist Trust relating to breast cancer treatment? During the period 2013 to 2018 inclusive.

What was the total value of settlements made?

How many times, in the same period 2013 to 2018, has NHSR been notified by the above Trust that members of the public and/or their solicitors have requested copies of their medical records as a claim may be being considered against the Trust and/or the staff using the facilities. Please provide this information in relation to breast cancer cases specifically and also in total.

Our Response

I am writing to NHSR, based on the freedom of information act, in respect of the Royal Marsden NHS Foundation Trust. I would be grateful if you could provide the following information, please:

How many clinical negligence claims have NHSR handled on behalf of the above specialist Trust relating to breast cancer treatment? During the period 2013 to 2018 inclusive.

What was the total value of settlements made?

We are unable to provide the information requested as there are low numbers involved and we believe that disclosure of information with this level of granularity is exempt under Section 40(2) by virtue of section 40(3) (a) (i) of the Act, where disclosure to a member of the public would contravene one or more of the data protection principles. The data protection principles are set out in Article 5 of the General Data Protection Regulation. We take the view that it would not be fair or lawful (given the sensitive and confidential nature of the information held) to disclose such information, and any disclosure would therefore contravene the first data protection principle.

In some instances the low numbers of claims (fewer than 5) in each category, the likelihood exists that individuals who are the subject of this information may be identified either from this information alone, or in combination with other available information. In addition to this, as this information is considered to be sensitive personal data (the data subjects' medical condition); NHS Resolution believes it has a greater responsibility to protect those individuals identities', as disclosure could potentially cause damage

and/or distress to those involved. Where we are in the territory of such small numbers in the attached, we have used a '#' symbol in the relevant field. You should still be able to see aggregate/total details for higher level fields containing this data.

If you would like to know how data is categorised in our Claims database please see the following link: [Glossary](#)

How many times, in the same period 2013 to 2018, has NHR been notified by the above Trust that members of the public and/or their solicitors have requested copies of their medical records as a claim may be being considered against the Trust and/or the staff using the facilities. Please provide this information in relation to breast cancer cases specifically and also in total.

This information is not held.

This concludes our response to your request.

If you are not satisfied with the service that you have received in response to your information request, it is open to you to make a complaint and request a formal review of our decisions. If you choose to do this, you should write to [Tinku Mitra](#), Head of Corporate and Information Governance for NHS Resolution, within 28 days of your receipt of this reply. Reviews of decisions made in relation to information requests are carried out by a person who was not involved in the original decision-making about the request.

If you are not content with the outcome of your complaint, you may apply directly to the Information Commissioner for a review of the decision. Generally, the Information Commissioner will not make a decision unless you have exhausted the local complaints procedure. The address of the Information Commissioner's Office is:

Wycliffe House
Water Lane
Wilmslow
Cheshire
SK9 5AF